

With regard to Chu, the Examiner states “Unlü in view of Blanc differ from the instant invention in not specifically teaching the use of an antibody array”, but that such arrays (i.e., antibody spot arrays) were taught in the prior art by Chu (see Office action, page 4). Applicant disagrees with this assertion. Both Unlü and Blanc require that subject proteins (i.e., the labeled protein samples in the case of Unlü and the antibody and the sample in the case of Blanc) are electrophoresed (Unlü) or allowed to diffuse through a gel matrix in a directed fashion (i.e., in specified dimensions) (Blanc). Chu, on the other hand, requires that antibodies be spotted on an array (i.e., a solid support). Both Unlü and Blanc would be rendered inoperable if they were modified to use the antibody spot arrays of Chu since both Unlü and Blanc require that the proteins be mobile. Conversely, modifying Chu to use the methods of Unlü or Blanc would render Chu inoperable, since electrophoresis or diffusion of the antibodies on a spot array would destroy the array. As stated in the MPEP §2143.01. “[i]f the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)”.

In light of the arguments set forth above, Applicant respectfully submits that a *prima facie* case of obviousness has not been established against claims 18, 71 and 88 – 92 based on the combination of Unlü, Blanc and Chu. Accordingly, Applicant respectfully requests that the rejections on these grounds be withdrawn.

B. Unlü, *et al.* in view of Blanc, Chu, *et al.* and Ekins, *et al.*:

Claims 72 – 75, 77 and 80 – 82 stand rejected under 35 USC §103(a) as allegedly being obvious over Unlü, Blanc and Chu, as outlined above and incorporated herein, and further in view of Ekins, *et al.* (Clin Chem, 1991, Vol. 37(11), pp. 1955 – 1967) (hereinafter “Ekins”). The Examiner states that the combination of Unlü, Blanc and Chu “differ from the instant invention in not specifically teaching multiple antigens and antibody preparation”, but that such features are contemplated by the multianalyte microspot immunoassays described by Ekins. While Applicant respectfully disagrees with these rejections, they are nevertheless believed to be moot in light of the arguments presented above and incorporated herein. In particular, the addition of Ekins to the combination of the Unlü, Blanc and Chu references fails to cure the deficiencies of these references and fails to establish a *prima facie* case of obviousness against the

independent claims and against any claims depending therefrom. Accordingly, Applicant respectfully requests that the obviousness rejections against claims 72 – 75, 77 and 80 – 82 be withdrawn.

C. Unlü, *et al.* in view of Blanc, Chu, *et al.* and Cupo:

Claims 76, 78, 79 and 84 stand rejected under 35 USC §103(a) as allegedly being obvious over Unlü, Blanc and Chu, as outlined above and incorporated herein, and further in view of James F Cupo (J Chromatography, 1991, Vol. 569, pp. 389 – 400) (hereinafter “CupoEkins”). The Examiner states that the combination of Unlü, Blanc and Chu “differ from the instant invention in not teaching protein expression pattern evaluation in cancer diseases or virus cell lines (like T cells)”, but that such features are contemplated by Cupo’s two dimensional polyacrylamide gel electrophoresis procedure to measure matrix proteins. While Applicant respectfully disagrees with these rejections, they are nevertheless believed to be moot in light of the arguments presented above and incorporated herein. In particular, the addition of Cupo to the combination of the Unlü, Blanc and Chu references fails to cure the deficiencies of these references and fails to establish a *prima facie* case of obviousness against the independent claims and against any claims depending therefrom. Accordingly, Applicant respectfully requests that the obviousness rejections against claims 76, 78, 79 and 84 be withdrawn.

CONCLUSION

Applicant hereby respectfully petitions under 37 C.F.R. § 1.136(a) a three (2)-month extension of time for submission of this response and submits the required extension fee via electronic filing. Any additional fees (including but not limited to appropriate petition fees or fees for net addition of claims) are hereby authorized to be charged to our **Deposit Account No. 50-3994**, from which the undersigned is authorized to draw funds.

Respectfully submitted,

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